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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,163	09/01/2000	Hiroshi Mikitani	KAK-001	5466
23353	7590	01/05/2006	EXAMINER	
RADER FISHMAN & GRAUER PLLC			BORISSOV, IGOR N	
LION BUILDING			ART UNIT	PAPER NUMBER
1233 20TH STREET N.W., SUITE 501			3639	
WASHINGTON, DC 20036			DATE MAILED: 01/05/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/653,163	MIKITANI ET AL.	
	Examiner	Art Unit	
	Igor Borissov	3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 October 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4,6,8-13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4,6,8-13 and 16-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Amendment

Amendment received on 10/19/2005 is acknowledged and entered. Claims 5, 7, 14 and 15 have previously been canceled. Claims 8-10, 13 and 17 have been amended. New Claim 18 has been added. Claims 1-4, 6, 8-13 and 16-18 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 8, 9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (US 5,794,219) in view of Sarno (US 6,024,641).

Independent Claims

As per claim 1, Brown teaches a system for conducting an on-line lottery with bid pooling (C. 3, L. 56-59), comprising:
means for uniquely allocating (generating) an electronic message, and means for sending a said (first) electronic message to each participant, said (first) electronic message including a unique access key (a bidder identification number) for each participant (an electronic mail server E2) (Fig. 2; C. 6, L. 6-12); means for recognizing a bidder upon receiving a bid entry on the basis of said unique access key (a bidder identification number) obtained via a receiving an electronic message from said each participant (C. 6, L. 45-48); and means for notifying said each participant of the result of the auction (C. 8, L. 41-43).

Brown does not explicitly teach that said electronic message, which is generated by said electronic mail server E2 and which includes said unique access key (a bidder

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identification number) further includes an electronic mail address to said each participant.

Sarno teaches a system for on-line lottery gaming, including means for registering participants for said lottery via a Web site, means for conducting said lottery and means for notifying said participants of a result of said on-line lottery, wherein said means for registration includes means for entering an electronic address of a participant (C. 7, L. 23-26) and wherein said means for notification includes means for sending said notification via an electronic mail (C. 6, L. 14-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that said electronic message, which is generated by said electronic mail server E2 and which includes said unique access key (a bidder identification number) further includes an electronic mail address to said each participant, as disclosed in Sarno, because it would advantageously allow people living in places where gaming is prohibited to participate in games of chance without necessity to travel to areas where said activity is legalized, such as Las Vegas and Atlantic City (Sarno; C. 1, L. 21-55).

As per claim 16, Brown teaches a method for conducting an on-line lottery with bid pooling (C. 3, L. 56-59), comprising:

uniquely allocating a unique access key (a bidder identification number) to each participant (Fig. 2; C. 5, L. 55-67); sending by a host (an electronic mail server E2) a first electronic message to said one of a plurality of specified participants, in which said unique access key (a bidder identification number) is affixed (C. 5, L. 58-67); recognizing a bidder upon receiving a bid entry on the basis of said unique access key (a bidder identification number) obtained via a receiving an electronic message from each of said participants (C. 6, L. 45-48); conducting said lottery (C. 7, L. 46-49); notifying each one of said plurality of specified participants of the result of the auction (C. 8, L. 41-43).

Brown does not explicitly teach that said electronic message, which is generated by said electronic mail server E2 and which includes said unique access key (a bidder

identification number) further includes an electronic mail address to said each participant.

Sarno teaches a method for on-line lottery gaming, including registering participants for said lottery via a Web site, conducting the lottery and notifying said participants of a result of said on-line lottery, wherein said registration includes entering an electronic address of a participant (C. 7, L. 23-26) and wherein said notification includes sending said notification via an electronic mail (C. 6, L. 14-16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that said electronic message, which is generated by said electronic mail server E2 and which includes said unique access key (a bidder identification number) further includes an electronic mail address to said each participant, as disclosed in Sarno, because it would advantageously allow people living in places where gaming is prohibited to participate in games of chance without necessity to travel to areas where said activity is legalized, such as Las Vegas and Atlantic City (Sarno; C. 1, L. 21-55).

As per claim 17, Brown teaches a system for conducting an on-line lottery with bid pooling (C. 3, L. 56-59), comprising:

means for uniquely allocating (generating) an electronic message, and means for sending a said (first) electronic message to each participant, said (first) electronic message including a unique access key (a bidder identification number) for each participant (an electronic mail server E2) (Fig. 2; C. 6, L. 6-12); means for recognizing a bidder upon receiving a bid entry on the basis of said unique access key (a bidder identification number) obtained via a receiving an electronic message from said each participant (C. 6, L. 45-48); and means for notifying said each participant of the result of the auction (C. 8, L. 41-43).

Brown does not explicitly teach that said unique access key includes a URL, and that said recognizing of each participants is provided when said each participant accesses said URL and enters the electronic mail address of the participant.

Sarno teaches said system for on-line lottery gaming, including means for registering participants for said lottery via a Web site, means for conducting said lottery and means for notifying said participants of a result of said on-line lottery, wherein a URL (Web page) is transmitted to each participant (C. 6, L. 21-26), and wherein each participant accesses said URL (Web page) and enters the electronic mail address (the unique access key) of the participant (C. 7, L. 23-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that said unique access key includes a URL, and that said recognizing of each participants is provided when said each participant accesses said URL and enters the electronic mail address of the participant, as disclosed in Sarno, because it would advantageously allow people living in places where gaming is prohibited to participate in games of chance without necessity to travel to areas where said activity is legalized, such as Las Vegas and Atlantic City (Sarno; C. 1, L. 21-55).

Dependent Claims

As per claim 3, Sarno teaches said system wherein the result of said lottery is presented before said electronic mail is sent (C. 6, L. 6-17). The motivation to combine Brown with Sarno would be to announce the results to stimulate non-participants to joint the lottery.

As per claim 4, Sarno teaches said system wherein a discrimination of the application for said lottery is performed by use of said access key and a destination mail address of said electronic mail (C. 2, L. 49-63; C. 5, L. 30-44). The motivation to combine Brown with Sarno would be to enhance the security of the system.

As per claim 6, Sarno teaches said system and method wherein the notification of the result of the lottery is provided by transmitting a URL of a page informing the result and an access keyword via an electronic mail (C. 6, L. 14-17). The motivation to combine Brown with Sarno would be to advantageously allow the participants to learn whether they won or not.

As per claim 8, Sarno teaches said system and method wherein the URL of the page informing said result is separated into one for a winner of a prize and the other for a loser in winning the prize (Figs. 3B, 6; C. 6, L. 14 – C. 7, L. 32). The motivation to combine Brown with Sarno would be to simplify reading of the lottery results.

As per claim 9, Sarno teaches said system and method wherein by entering said access keyword and a mail address to which said access keyword is sent into the page informing said result, a page for the winner of the prize and a page of the loser in winning the prize can be accessed (C. 6, L. 14 – C. 7, L. 32). The motivation to combine Brown with Sarno would be to simplify the access to the results of the lottery.

As per claim 12, Brown teaches said system wherein data of said participant who applied for the lottery is collected and stored (C. 6, L. 2-52).

As per claim 13, Brown teaches said system and method wherein said lottery system is incorporated into a computer system (C. 6, L. 2-52).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Sarno and further in view of Petrecca (US 6,409,593).

As per claim 2, Brown and Sarno teach all the limitations of claim 2, except that said result of said lottery is obtained by a drawing performed when said participant applies for said lottery.

Petrecca teaches a system for drawing for winners over the Internet, wherein a result of a lottery is obtained by a drawing performed when a participant applies for the lottery (C. 4, L. 45-57).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown and Sarno to include that said result of said lottery is obtained by a drawing performed when said participant applies for said lottery, as disclosed in Petrecca, because it would advantageously stimulate customers to play more often.

Claims 10, 11 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Sarno and further in view of Kamasaka et al. (US 6,240,455)

Independent Claim

As per claim 10, Brown teaches said system for conducting an on-line lottery with bid pooling (C. 3, L. 56-59), comprising:

means for allocating a unique access key (a bidder identification number) (C. 5, L. 55-67); means for sending an electronic message in which said unique access key (a bidder identification number) is affixed to each of the participants (C. 5, L. 55-67); means for recognizing an application for a lottery from each of the participant on the basis of said unique access key (C. 6, L. 42-52); and means for notifying participants of the result of the lottery (C. 8, L. 41-43).

Brown does not explicitly teach that said unique access key (a bidder identification number) is to be entered in a page of a URL; and that said recognizing of each participants is provided when said each participant accesses said URL and enters said unique access key.

Sarno teaches said system for on-line lottery gaming, including means for registering participants for said lottery via a Web site, means for conducting said lottery and means for notifying said participants of a result of said on-line lottery, wherein a URL (Web page) is transmitted to each participant (C. 6, L. 21-26), and wherein each participant accesses said URL (Web page) and enters the electronic mail address (the unique access key) of the participant (C. 7, L. 23-26).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that said unique access key includes a URL, and that said recognizing of each participants is provided when said each participant accesses said URL and enters the electronic mail address of the participant, as disclosed in Sarno, because it would advantageously allow people living in places where gaming is prohibited to participate in games of chance without necessity to travel

to areas where said activity is legalized, such as Las Vegas and Atlantic City (Sarno; C. 1, L. 21-55).

said means for notifying participants of the result of the auction include means for notifying participants of a result of a lottery. Brown also does not specifically teach that said access key is a keyword to be entered in said URL of a page.

Sarno teaches means for sending to each participant a URL of a page via electronic mail, wherein said page holds the result of said lottery as well as an access keyword (C. 6, L. 14 – C. 7, L. 32).

Kamasaka teaches a system for alteration of link destination wherein an access key is a keyword in a URL of a page for application (Figs. 14 and 17; C. 10, L. 29 – C.12, L. 27).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown to include that the participants are notified of a result of a lottery by accessing a web page, as disclosed in Sarno, because it would advantageously allow the participants to learn whether they won the lottery, or not from different locations. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Brown and Sarno to include that said access key is a keyword in a URL of a page for application, as disclosed in Kamasaka, because it would advantageously simplify the interaction with the system.

As per claim 11, Sarno teaches said system wherein said keyword is a destination of said electronic mail (C. 2, L. 49-63; C. 5, L. 30-44). The motivation to combine Brown with Sarno would be to simplify the interaction with the system.

As per claim 18, Sarno teaches said system and method wherein the notification of the result of the lottery is provided by transmitting a URL of a page informing the result via an electronic mail (C. 6, L. 14-17). The motivation to combine Brown with Sarno would be to advantageously allow the participants to learn whether they won or not.

Response to Arguments

Applicant's arguments filed 10/19/2005 have been fully considered but they are not persuasive.

In response to the applicant's argument that the prior art does not teach *allocating an electronic mail address to each participant*, it is noted that Brown teaches said system, wherein the account creation computer transmit a bidder identification number in a new account confirmation message (e-mail) (C. 5, L. 65-66); said bidder identification number is used by the participant to submit bids (to access the system) (C. 7, L. 50-52). Furthermore, Brown specifically teaches an electronic mail server capable of generating a bidder registration message (C. 6, L. 6-16).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Igor Borissov
Patent Examiner
Art Unit 3639



IB

12/29/2005